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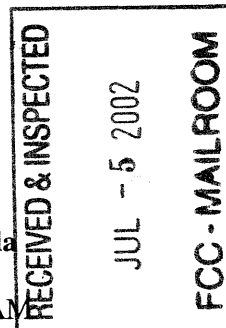
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Reply Refer To:
1800B3-ACS

JUL 1 2002

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In re: **NEW(FM), Mesquite, Nevada**
Educational Media Foundation
File No. BNPED-20000118AAM
Request for Waiver of 47 C.F.R. § 73.1125
Main Studio Rule
Facility ID No. 122212



Dear Counsel:

The staff has under consideration the above-referenced request for a waiver of the Commission's main studio requirement, 47 C.F.R. § 73.1125, made by Educational Media Foundation ("EMF").¹ EMF has requested a waiver of the main studio requirement, in order to operate its proposed new noncommercial educational ("NCE") FM station in Mesquite, Nevada as a "satellite"² of its commonly-owned NCE FM station KLRD(FM), Yucaipa, California. For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license; (2) within the principal community contour of any other broadcast station licensed to its community; or (3) within 25 miles of the center of the community of license. *See Report and Order*, Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations, 13 FCC Rcd 15691 (1998), *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("*Reconsideration Order*"). However, under Section 73.1125(b)(2), the Commission will waive this requirement where good cause exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found good cause exists to waive the main studio location requirement where satellite operations are proposed. *Id.* A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard. *Id.*

¹ EMF amended its waiver request on July 18, 2001 and January 22, 2002.

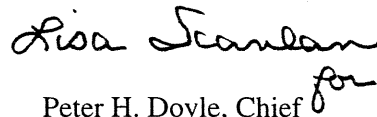
² A "satellite" station meets all of the Commission's technical rules; however, it originates no programming and instead rebroadcasts the parent station's programming. *See Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR 2d 1554, 1562 (1964).

EMF's request is based on the economies of scale which would be realized by a grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. § 73.1125(a) in these circumstances. EMF proposes to operate the Mesquite, Nevada station as a satellite of KLRD(FM), Yucaipa, California, approximately 237 miles from Mesquite. Where there is great distance between parent and satellite station, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, EMF has pledged to: (1) engage the services of a local Mesquite public affairs representative to conduct regular surveys of local community leaders and residents to determine the concerns, problems and needs of Mesquite residents, (2) provide appropriate programming to address the issues, problems, and needs of the local community, (3) maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and (4) maintain a public inspection file for the station within the Mesquite community.

Under these circumstances, we are persuaded that EMF will meet its local service obligation and thus, grant of the requested waiver is consistent with the public interest. We remind EMF however, of the requirement that it maintain a public file for the station at the main studio of the station at which its programming is originated, and it must provide the accommodation to listeners or residents as required under the amended rules. *See Reconsideration Order*, 14 FCC Rcd at 11129, ¶45. Thus, in the instant case, EMF must maintain the public file for the Mesquite facility at the main studio of parent station KLRD(FM), Yucaipa, California.

Accordingly, the application filed by Educational Media Foundation (File No. BNPED-20000118AAM) and the request for waiver of 47 C.F.R. § 73.1125 ARE HEREBY GRANTED.

Sincerely,



Peter H. Doyle, Chief ^{for}
Audio Division
Office of Broadcast License Bureau
Media Bureau

cc: Educational Media Foundation